

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

**ALBERT GENE JOHNSON**

§

**V.**

§

**CA C-05-223**

**SGT MARCUS D. FORD, ET AL.**

§

**ORDER CERTIFYING THE ISSUE OF EXHAUSTION OF  
ADMINISTRATIVE REMEDIES FOR INTERLOCUTORY APPEAL**

Pending is defendants' motion to certify the issue of exhaustion of administrative remedies for interlocutory appeal (D.E. 47). Plaintiff's exhaustion of his administrative remedies under 42 U.S.C. § 1997e is a controlling question of law with a substantial ground for difference of opinion and an immediate appeal may materially advance the ultimate termination of this litigation. 28 U.S.C. § 1292(b). The motion is granted.

The issue of exhaustion of administrative remedies under 42 U.S.C. § 1997e is certified for interlocutory appeal pursuant to 28 U.S.C. § 1292(b).

ORDERED this 17<sup>th</sup> day of May, 2006.

  
B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE